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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/041,979      | 03/13/1998  | RAJENDRA S. YAVATKAR | 42390.P4264         | 4173             |

7590 11/27/2001

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[REDACTED] EXAMINER

YAO, KWANG BIN

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2664

DATE MAILED: 11/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

TR

|                              |                          |                  |
|------------------------------|--------------------------|------------------|
| <b>Office Action Summary</b> | Application No.          | Applicant(s)     |
|                              | 09/041,979               | YAVATKAR ET AL.  |
|                              | Examiner<br>Kwang B. Yao | Art Unit<br>2664 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 11 September 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-28 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Malek et al. (US 6,253,207).

Malek et al. discloses an apparatus for transporting multimedia information comprising the following features: multimedia traffic handler 400 in Fig. 4 for controlling and associating each data streams, such as video, voice, etc., with the reserved bandwidth C1, C2.

### *Response to Arguments*

3. Applicant's arguments filed 9/11/01 have been fully considered but they are not persuasive.

On page 2, third paragraph, Applicant argues that nowhere in Malek et al. is there disclosed a multi-media call application that effectuate quality of service guaranty for a packet based multi-media call through call associated individual media stream bandwidth control. Examiner respectfully disagrees with these arguments. Malek et al. discloses multimedia traffic handler 400 that effectuate quality of service guaranty (e.g. reduce jitter) for an ATM cell based

multi-media call through call associated individual media stream (e.g. voice, video) bandwidth control. See column 1, lines 44-57, column 2, line 63 to column 3, line 12.

On page 3, first paragraph, Applicant argues that Malek et al. does not disclose a bandwidth reservation service that requests a sub-net bandwidth manager to allocate a portion of reserved bandwidth for a packet based multi-media call to an individual media stream of the multi-media call. Examiner respectfully disagrees with these arguments. Malek et al. discloses that multimedia traffic handler 400 allocates a portion of reserved bandwidth, such as C1, C2, C3 in Fig. 6, to an individual media stream (e.g. voice, video) of the multimedia call.

On page 3, third paragraph, Applicant argues that Malek et al. does not disclose a multi-media call application reserving bandwidth for media streams of a packet based multi-media call at a call level with a sub-net bandwidth manager that manages network bandwidth and causing the SBM to allocate the reserved bandwidth for the call to individual media streams of the call. Examiner respectfully disagrees with these arguments. Malek et al. discloses multimedia traffic that handler 400 manages network bandwidth and allocates a portion of reserved bandwidth, such as C1, C2, C3 in Fig. 6, to an individual media stream (e.g. voice, video) of the multimedia call.

On page 3, fourth paragraph, Applicant argues that Malek et al. does not disclose programming instructions implements a multi-media call application that effectuates QoS guaranty for a packet based multimedia call using call associated individual media stream bandwidth control. Examiner respectfully disagrees with these arguments. Malek et al. discloses multimedia traffic handler 400 that effectuate quality of service guaranty (e.g. reduce jitter) for

an ATM cell based multi-media call through call associated individual media stream (e.g. voice, video) bandwidth control. See column 1, lines 44-57, and column 2, line 63 to column 3, line 12.

On page 4, first paragraph, Applicant argues that Malek et al. does not disclose programming instructions implementing a bandwidth reservation service that requests a sub-net bandwidth manager SBM to allocate a portion of reserved bandwidth to an individual media stream of the call and providing the SBM with call level information to allow the SBM to associate the individual media stream of the call with the reserve bandwidth. Examiner respectfully disagrees with these arguments. Malek et al. discloses multimedia traffic that handler 400 manages network bandwidth and allocates a portion of reserved bandwidth, such as C1, C2, C3 in Fig. 6, to an individual media stream (e.g. voice, video) of the multimedia call.

#### *Conclusion*

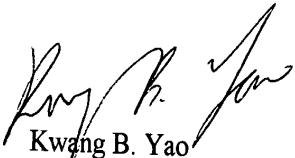
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Kwang B. Yao  
November 16, 2001